IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1865 OF 1995

Smt.Ayli Balu Bhutal .. Petitioner

Versus

Circle Officer, Bhag Salwan
& Ors. .. Respondents

Smt.Anjali Helekar for the petitioner

Mr.V.P.Malvankar, A.G.P.for respondents

CORAM: A.P.SHAH &
S.U.KAMDAR, JJ

DATED: 21ST SEPTEMBER, 2004

ORAL JUDGMENT (PER S.U.KAMDAR, J.):

1. The present petitioner is one of the allottee of the land bearing Gat No.59 at Kode Khurd, Tal : Gaganbawda as project affected person.

2. The original land of the petitioner was land acquired for Kumbhi Dam in the year 1987 under the Land Acquisition Act, 1894. Under the policy announced by the Government for project affected displaced persons and re-settlement, the said land

was allotted to the petitioner. The petitioner was also put in possession of the said land and the petitioner is cultivating the said land.

3. It seems that the said land was originally allotted to Rangarao Bapu Ghadge and Tukaram Ramchandra Gaikwad who were serving in Armed Forces. After the IInd World War the said persons were allotted the said land for personal cultivation and to settle down in life. However, it seems that the said allottees inducted one Maylu in 1950-51 as cultivator of the said land. On death of said Maylu his wife’s name was entered as a tenant in the said land. The son of the deceased namely Pandu Mahilu Jadhav thereafter was cultivating the said land. His name was also entered in revenue record as tenant. By an order dt.24th February 1986 of Tahsildar the name of the tenant was deleted from the revenue record. The said tenant challenged the said order by filing a Writ Petition being W.P.No.3448 of 1994. In the said Writ Petition on 6th March 1995 an interim order was passed which directed both the parties to

maintain status quo.

4. On the basis of the said Interim Order dt.6th March 1995 passed in the said W.P.No.3448 of 1994 the impugned order in the present petition is passed directing him to surrender the said land allotted to this project affected person presumably on the basis that land will have to be restored to the petitioner in W.P.No.3448 of 1994.

5. The said W.P.No.3448 of 1994 has been dismissed by this Court for non-compliance with office requirements in accordance with order dt.19/20th April, 2004. In view of the dismissal of the said Writ Petition an interim order passed therein also does not survive. Therefore, impugned order in the present petition based on the interim order dt.6th March 1995 in W.P.No.3448 of 1994 also does not survive. Accordingly, we make the present petition absolute in terms of prayer clause (a) & (b) of the petition. However, there shall be no order as to costs.